

1  
2  
3  
4  
5  
6                   UNITED STATES DISTRICT COURT  
7                   WESTERN DISTRICT OF WASHINGTON  
8                   AT SEATTLE

9                   UNITED STATES OF AMERICA,  
10  
11                   Plaintiff,  
12                   v.  
13                   GIANNI S. THOMAS,  
14                   Defendant.

Case No. CR22-198RSL

ORDER GRANTING  
UNOPPOSED MOTION TO  
CONTINUE TRIAL AND  
PRETRIAL MOTIONS DUE  
DATE

15                  This matter comes before the Court on defendant's "Unopposed Motion to Continue Trial  
16 and Extend Pretrial Motions Deadline." (Dkt. # 53). Having considered the facts set forth in the  
17 motion, and defendant's knowing and voluntary waiver (Dkt. # 54), the Court finds as follows:

18                  1.       The Court adopts the facts set forth in the unopposed motion: in particular that  
19 after the current trial date was set, defendant was hospitalized following a serious automobile  
20 accident. Defendant's hospitalization and medical recovery time has complicated preparation  
21 for trial in this case, and defense counsel requires additional time to review and synthesize  
22 discovery, conduct investigations, consult with and advise defendant, and prepare relevant  
23 motions. The Court accordingly finds that a failure to grant a continuance would deny counsel,  
24 and any potential future counsel, the reasonable time necessary for effective preparation, taking  
25 into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).

26                  2.       The Court finds that a failure to grant a continuance would likely result in a  
27 miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i).

28  
ORDER GRANTING UNOPPOSED  
MOTION TO CONTINUE TRIAL - 1

1       3.     The Court finds that the additional time requested between the current trial date of  
2 September 11, 2023, and the proposed trial date of February 26, 2024, is a reasonable period of  
3 delay. The Court finds that this additional time is necessary to provide defense counsel  
4 reasonable time to prepare for trial, as defendant has requested more time to prepare for trial, to  
5 continue to investigate the matter, to gather evidence material to the defense, and to consider  
6 possible defenses. The additional time requested between the current trial date and the new trial  
7 date is necessary to provide counsel for the defendant the reasonable time necessary to prepare  
8 for trial, considering all of the facts set forth above.

9       4.     The Court further finds that this continuance would serve the ends of justice, and  
10 that these factors outweigh the best interests of the public and defendant in a speedier trial,  
11 within the meaning of 18 U.S.C. § 3161(h)(7)(A).

12       5.     Defendant has signed a waiver indicating that he has been advised of his right to a  
13 speedy trial and that, after consulting with counsel, he has knowingly and voluntarily waived  
14 that right and consented to the continuation of his trial to a date up to and including March 11,  
15 2024, Dkt. # 54, which will permit his trial to start on February 26, 2024.

16       IT IS HEREBY ORDERED that the trial date shall be continued from September 11,  
17 2023 to February 26, 2024, and pretrial motions are to be filed no later than January 5, 2024;

18       IT IS FURTHER ORDERED that the period of time from the date of this Order, up to  
19 and including the new trial date, shall be excludable time pursuant to the Speedy Trial Act, 18  
20 U.S.C. § 3161, *et seq.* The period of delay attributable to this filing and granting of this motion  
21 is excluded for speedy trial purposes pursuant to 18 U.S.C. §§ 3161(h)(1)(D), (h)(7)(A), and  
22 (h)(7)(B).

23       DATED this 24th day of July, 2023.  
24  
25  
26  
27  
28



Robert S. Lasnik  
United States District Judge